

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## BARBARA STUART ROBINSON,

Plaintiff,

V.

## TACOMA COMMUNITY COLLEGE,

Defendant.

CASE NO. C11-5151BHS

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Plaintiff Barbara Stuart Robinson’s (“Robinson”) motion for reconsideration (Dkt. 55). The Court has considered the pleadings filed in support of the motion and the remainder of the file and hereby denies Robinson’s motion for the reasons stated herein.

## I. PROCEDURAL HISTORY

On March 3, 2011, Robinson filed a complaint against TCC alleging violations of Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12131–65; § 504 of the Rehabilitation Act (“RA”), 29 U.S.C. § 794; and RCW 49.60.030. Dkt. 5.

On March 21, 2011, Robinson filed a motion for default. Dkt. 19. TCC filed its answer that same day. Dkt. 20. On March 22, 2011, TCC responded to Robinson's

1 motion. Dkt. 21. On March 29, 2011, the Clerk denied Robinson's motion for default by  
2 minute order. Dkt. 28.

3 On March 22, 2011, TCC filed a Motion for Relief Under CR 11. Dkt. 23. On  
4 March 25, 2011, Robinson responded. Dkt. 27. On April 6, 2011, TCC replied. Dkt. 32.

5 On March 23, 2011, Robinson filed a Motion for Summary Judgment. Dkt. 26.  
6 On April 11, 2011, TCC responded. Dkt. 34. On April 14, 2011, Robinson replied. Dkt.  
7 45.

8 On April 13, 2011, TCC filed a Motion to Deem Plaintiff Vexatious. Dkt. 38. On  
9 April 14, 2011, Robinson responded. Dkt. 46. On May 4, 2011, TCC replied. Dkt. 48.

10 Earlier today, the Court issued an order granting TCC's Motion for Relief Under  
11 CR 11 (Dkt. 23), denying Robinson's Motion for Summary Judgment (Dkt. 26), denying  
12 Robinson's Motion to Strike (Dkt. 33), and denying TCC's Motion to Deem Plaintiff  
13 Vexatious (Dkt. 38). Dkt. 54. Robinson subsequently filed a brief titled "MOTION TO  
14 ALTER/AMEND JUDGMENT AND ORDER AND LAW TO COMPLAINT  
15 DISCRIMINATION." Dkt. 55. Although the brief is difficult to comprehend, the Court  
16 considers the pleading a motion for reconsideration.

## 18 II. DISCUSSION

19 Motions for reconsideration are governed by Local Rule CR 7(h), which provides  
20 as follows:

21 Motions for reconsideration are disfavored. The court will ordinarily deny  
22 such motions in the absence of a showing of manifest error in the prior  
23 ruling or a showing of new facts or legal authority which could not have  
been brought to its attention earlier with reasonable diligence.

24 Local Rule CR 7(h)(1).

25 Robinson appears to argue that it was improper to impose sanctions on Robinson  
26 before ruling on the merits of her claims for discrimination. *See* Dkt. 55 at 5-6. For  
27 clarification, the Court imposed sanctions because of Robinson's frivolous motion for  
28

1 default judgment. *See* Dkt. 54 at 5-6. The issue of sanctions was wholly independent of  
2 Robinson's claims of discrimination.

3 With regard to reconsideration, Robinson has failed to meet her burden in showing  
4 a manifest error in the Court's order or showing new facts or legal authority. Therefore,  
5 the Court denies Robinson's motion for reconsideration.

6 Robinson is reminded that TCC has previously asked the Court to deem her  
7 vexatious because of her numerous frivolous filings. Continued frivolous filings will  
8 only support TCC's position.

9 **III. ORDER**

10 Therefore, it is hereby **ORDERED** that Robinson's motion for reconsideration  
11 (Dkt. 55) is **DENIED**.

12 DATED this 17th day of May, 2011.

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15   
16 BENJAMIN H. SETTLE  
17 United States District Judge